Walker v. Co	vin		Doc. 32
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	Tittorney for Frankiir Fadia Walker		
6			
7			
8	UNITED STATES I		
9	FOR THE NORTHERN DIS	STRICT OF CALIFORNIA	
10	PAULA WALKER,		
11	Plaintiff,	Case No. 15-cv-00097-KAW	1
12			
13		STIPULATION AND ORDER FOR PLAINTIFF'S MOTION FOR ATTORNEY'S	
14		FEES PURSUANT TO THE EQUAL ACCESS TO JUSTICE ACT, 28 U.S.C. §	
15		2412	
16		Magistrate Judge: Hon. Kandis A. Westmore	
17	-VS-		
18	CAROLYN W. COLVIN, ACTING COMMISSIONER OF SOCIAL SECURITY,		
19	Defendant.		
20	IT IS HEREBY STIPULATED AND AGREED by the parties, through their attorneys,		
21	Howard D. Olinsky acting on behalf of Harvey P. Sacket, attorney for Plaintiff, and Amanda		
22	Roth, Assistant Regional Counsel, attorney for defendant, that the defendant shall pay the sum of		
23			
24	\$5.324.03 for services performed, incurred in connection with this action in full satisfaction of		
25	Stipulation and Order Plaintiff's Motion for		
26	Attorneys Fee's Pursuant to the Equal Access		
	to Justice Act, 28 U.S.C. § 2412		ts.Justia.com

any offset.

Plaintiff's claim pursuant to the Equal Access to Justice Act (EAJA), Title 28 U.S.C. '2412(d) for services performed in connection with this action. This amount represents compensation for all legal services rendered on behalf of Plaintiff by counsel in connection with this civil action, in accordance with 28 U.S.C. §§ 1920; 2412(d).

After the Court issues an order for EAJA fees to Plaintiff, the government will consider the matter of Plaintiff's assignment of EAJA fees to counsel Olinsky Law Group. Pursuant to *Astrue v. Ratliff*, 560 U.S. 586, 598, 130 S.Ct. 2521, 177 L.Ed.2d 91 (2010), the ability to honor the assignment will depend on whether the fees are subject to any offset allowed under the United States Department of the Treasury's Offset Program. After the order for EAJA fees is entered, the government will determine whether they are subject to

Fees shall be made payable to Plaintiff, but if the Department of the Treasury determines that Plaintiff does not owe a federal debt, then the government shall cause the payment of fees, expenses and costs to be made directly to **Olinsky Law Group**, pursuant to the assignment executed by Plaintiff.

This stipulation constitutes a compromise settlement of Plaintiff's request for EAJA attorney fees, and does not constitute an admission of liability on the part of Defendant under the EAJA or otherwise. Payment of the agreed amount shall constitute a complete release from, and bar to, any and all claims that Plaintiff and/or Olinsky Law Group may have relating to EAJA attorney fees in connection with this action.

Stipulation and Order Plaintiff's Motion for

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to Justice Act, 28 U.S.C. § 2412

	This award is without prejudice to the rights of Olinsky Law Group, to seek Social		
1			
2	Security Act attorney fees under 42 U.S.C. § 406(b), subject to the savings clause provisions		
3	of the EAJA.		
4			
5	DATE: 12-20-2016 Respectfully submitted,		
6	Molling		
7	Harvey P. Sackett, Esq., Of Counsel, State Bar No. 72488, by		
8	Howard D. Olinsky, Esq.		
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11	raesinine. (313) 701-3781		
12	s/ Armand D. Roth		
	ARMAND D. ROTH, ESQ.		
13	Special Assistant United States Attorney E-signed with express permission.		
14	2 signed with express permission.		
15			
16	PURSUANT TO THE STIPULATION, IT IS SO ORDERED		
17	DATED 12/21/16		
18	HONORABLE KANDIS A. WESTMORE		
19	MAGISTRATE JUDGE		
20			
21			
22			
23			
24			
25	Stipulation and Order Plaintiff's Motion for		
26	Attorneys Fee's Pursuant to the Equal Access		